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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
April 8, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Rod Caldwell, USGS; Tom Harrington, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Cheryl Hassakker, Dave Kirsch, Dean and Wendy Briggs, Marilyn McCauley, Mary Ellen Earnhart, Mark Gornick, Tom Carey, Ellen Rae Thiel, Sheila Hogan

REPORTS

Receipt of March cash report from Treasurer.

Receipt of March Clerk and Recorder fees report.

Receipt of March expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

- 4/09 TSEP public hearing – Whitehall – 7:00
- 4/10 CTAC – Whitehall – 8:00
- Elkhorn Working Group – 3:00
- Weed Board – 6:00
- 4/14 Whitehall Town Council – 7:00

COMMISSION REPORTS

WAGNER HOUSE RFP

Commissioner Lythgoe reported that he and Commissioner Weber met with Bill Lloyd of Great West regarding the RFP for architectural services for the former Wagner building. They discussed the document and made several minor revisions. There will be a pre-proposal walk-through on the 21st.

MONTANA TUNNELS EIS PUBLIC HEARING

Commissioner Lythgoe reported on a public hearing regarding the Montana Tunnels EIS that was held in Clancy on the 2nd. He estimated that there were 150-175 in attendance. At one time, one person who spoke asked for a show of hands of those in favor of the mine continuing operation. Every hand in the room went up.

TSEP PUBLIC HEARING

Commissioner Lythgoe reported that the previous day, the Commission held a public hearing regarding the most current TSEP application, which has to do with bridge repair and replacement. Great West gave a presentation on the three bridges selected for this grant cycle. A similar hearing will be held Wednesday night in Whitehall.

HISTORIC PRESERVATION

Commissioner Weber reported that he met with Rolene Schlesman, Roxanne Lincoln and Caroleen Vaughn on Thursday regarding Jefferson County's Historic Preservation designation and efforts on grants for historic preservation. He thought it was a good meeting, which will help us determine future direction.

CORRESPONDENCE

Commissioner Weber read a letter from Marilyn McCauley regarding the discussion of north-end metal mines grants at the April 1 meeting. (Letter on file in the Clerk and Recorder's office.)

SUBDIVISION REVIEW

RELEASE OF AG COVENANT – DEAN AND WENDY BRIGGS PROPERTY

Harold Stepper, County Planner, presented a proposed survey for boundary relocation. A portion of Tract 2 extends into an agricultural covenant. To make the boundary relocation work, the Commission has to release the agricultural covenant on that tract of ground. The original agricultural covenant is listed as Tract Z on the certificate of survey. Commissioner Lythgoe asked if Tract Z is shown on this survey. Harold stated that it shows on the previous survey. The land will still be used for agricultural purposes.

Commissioner Lythgoe moved to adopt Resolution 18-2008. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

2008 TSEP BRIDGE GRANT APPLICATION

Commissioner Weber noted that letters in support of the TSEP project would be greatly appreciated. The application will be submitted the first part of May.

DISCUSS AND DECIDE ON REQUEST FOR PILT BY THE COUNTY ATTORNEY

Matt Johnson, County Attorney, stated that he is requesting \$8,000 from PILT. During the past budget cycle, money was set aside in PILT for the County Attorney's office. They currently have five very active civil litigation cases and one inquest which are likely to occur before the end of the fiscal year. Matt outlined the expenses that they have and will incur. He noted that copies for just one of the cases recently cost them \$3,000, which put them over budget. The remaining \$5,000 is what he estimates they will need for the other cases to cover copies, depositions, discovery, etc. He feels that they are justified in what his office is asking for, but if there is any remainder, it would go back into the general fund. Commissioner Weber asked Matt if he foresees any reason that there might be another request, or will this get them through the end of the fiscal year. Matt stated that as we are midway through April, he feels that this amount will be sufficient.

Commissioner Lythgoe asked Matt if he is correct in thinking that his office only needs \$3,000 at this time. Matt stated that they need \$8,000; they need \$3000 just to cover bills they just paid. Commissioner Lythgoe stated that he doesn't have a problem funding the County Attorney's office and functions. It doesn't make sense however, to give them money that they might be giving back. He would rather see a realistic dollar amount of what they will need. Matt answered that the difficulty there is if he has to come back to the Commission as part of his strategy each time he gets a deposition done, fiscally it doesn't make sense. Commissioner Weber noted that these are current cases. Commissioner Notbohm stated that he would recommend that amount. It basically stays in the same pot. It doesn't make sense to have Matt running back and forth asking for money.

Commissioner Notbohm moved to approve \$8,000 from PILT to the County Attorney's office. Commissioner Weber seconded. The motion carried.

ROD CALDWELL – USGS PROPOSAL FOR FUTURE WATER QUALITY STUDY

Rod Caldwell, USGS, stated that he hopes that they can have an open discussion about future direction and options available; and presented the Commission with a proposal for ground-water quality assessment with an emphasis on radioactive elements. Rod stated that as they are aware, the USGS, in cooperation with the Jefferson Valley Conservation District and Jefferson County, did groundwater testing on 40 wells in Jefferson County to look for uranium. He is now proposing that they seek funding to conduct further testing on Jefferson County ground-water. Rod proposed that a \$300,000 grant be sought from DNRC, with the USGS match 40% for a total of \$500,000. He suggested that one way to make the study more attractive to the grant review board would be to extend it beyond Jefferson County's borders into surrounding counties. The Boulder batholith, which was a major player in the study, also extends into Silverbow, Broadwater, Powell, Lewis & Clark County also. Watershed groups in Lewis and Clark County are interested. Rod noted that the last study got a large response from the public, which is unusual. He was amazed at the number of phone calls he received. It would also be interesting to sample wells that have treatment systems and be able to report those findings also; that finding uranium in your water can be dealt with.

Rod went on to outline several items of discussion: Are the Commissioners interested in doing another study; do they feel it is a good idea to extend the study beyond Jefferson County; should

they limit the study to just radionuclides or extend to other contaminants such as pharmaceuticals; who would be the applicant, grant writer and administrator. Commissioner Weber asked if he has had a chance to discuss this with the Jefferson Valley Conservation District. Mark Gornick stated that they would be having a meeting the following night, and it would be discussed then. Commissioner Weber asked Rod if their work with Headwaters as our grant writing entity was effective. Rod stated that it was. Commissioner Weber asked Mark Gornick if he has a feel for how his group will respond. Mark stated that he hasn't had a chance to talk to them. If it stays within Jefferson County, he doesn't feel that there will be a problem. If it extends beyond our border, he isn't sure that they would want to put that on their administrator.

Commissioner Lythgoe noted that the proposal indicates 90 new wells, and asked if this is 90 additional wells. Rod stated that the latter is correct. Commissioner Notbohm stated that he thinks that the study is probably a good idea. He asked if there are any negative ramifications that could come from the study being done, such as impacts to streams. Rod stated that this is a naturally occurring constituent; it isn't human caused or coming from septic tanks. There could be a concern for property values. As a government agency, it is their responsibility to make the information public. No names are given out, but locations are given.

Commissioner Notbohm stated that he recently saw an article in the paper regarding a special system that was required by Lewis & Clark County to deal with groundwater problems. Commissioner Weber stated that it was more a matter of zoning. Commissioner Lythgoe stated that he thinks that one thing Rod said that could negate some of that is to test some wells that have treatment systems on them. This will let people know that no matter how the groundwater tests, it is treatable. It is important to talk about and emphasize that there are treatments available. If the knowledge is already there, that you know for a fact that treating the wells that have the problems can solve the problems, maybe you don't have to do a lot more studying. However, they need to make very clear in reports and press releases that treatments are available if problems are found.

Commissioner Weber on a similar vein, are they able to identify several options for treatment, including non-chemical options. Rod stated that with the original 40 wells, all of the landowners were given a packet of information outlining steps that could be taken if contaminants were found in their water. Commissioner Lythgoe stated that there are also companies out there, such as Culligan, which know the science of treating the water and bringing systems into your home.

Commissioner Weber asked what the Commission feels about expanding the study to test for personal care products and pharmaceuticals. Commissioner Lythgoe stated that this is something that they need to discuss. There are areas with a higher density of homes, all of them with private septic systems, and it would be appropriate to test some of those wells. He feels that they could pick a couple areas where there might be a concern. Commissioner Notbohm asked if he has any ideas of where testing would be done. Rod stated that he would work with the Commission and County Planner, but he does have some ideas of areas in the north end with older subdivisions. In the Helena Valley study, there were two wells that were sampled in the Montana City area.

Commissioner Notbohm asked what the advantages to the proposal are. Rod stated that to expand the initial study and make the public aware of what is out there. The Boulder Batholith, which is under most of Jefferson County, is a major player in this. From a scientific standpoint, to find out what are the driving forces that cause the high levels of uranium.

Commissioner Weber stated that they entered the first study basically to determine health, safety and welfare risks and find ways to mitigate them. He is somewhat hesitate to expand that into other counties, as they will have limited resources to work with and he would like to have as many wells in Jefferson County tested as possible. This sounds selfish, but it is where he is at this time. Part of the health, safety and welfare discussion, there is pretty good body of science that says that low levels of radiation is good for you. He asked if there is any way to incorporate some of that data and make sure that they are getting a really good picture of both. Low levels might be good for you, but levels above this amount might be bad for you. Rod stated that they would have to go with the accepted science related to acceptable levels for drinking water. Regarding public health, they can make the public aware that this is an issue and let them sample their wells. The problem with this is that the test results will be not become public knowledge.

Commissioner Weber stated that he feels that this is an important study to continue. We do have data that a problem exists. To be able to expand the study to see how far reaching the problem is would be a good thing. Commissioner Lythgoe stated that there is a big difference between him getting a bottle from DEQ and going out and sampling his water and the USGS going out and sampling the water. He is not sure why, but they spent a lot of time at each site. He has to assume that they know a lot more about it than he does and are doing something different that he would. Rod thanked him for saying that. He went on to explain their procedure with sampling a well. Commissioner Notbohm stated that regarding what Commissioner Lythgoe said, if you sample your own water, the lab usually doesn't test for all of the things that the USGS would, unless you specifically ask for it and pay extra. However, he feels that property owners need to retain some form of responsibility for their water too.

Commissioner Weber asked if they want to consider testing for other constituents. Commissioner Lythgoe stated that in certain areas, it makes sense.

Commissioner Weber moved to move forward to try to obtain this grant. Commissioner Notbohm stated that he was under the impression that Rod felt that testing for pharmaceuticals wasn't something they should focus on. Rod stated that he feels it is a valid and an important topic, but it would take money away from main focus. His suggestion is to do some limited testing in specific high-density areas. Commissioner Notbohm asked if the Commission were to suggest a particular area be tested, if they would be overstepping their bounds. Rod stated that it could be touchy. He stated that they could also look at this as another whole study. Commissioner Weber stated that if a problem shows up, they then could pursue further funding. Commissioner Lythgoe seconded Commissioner Weber's motion. The motion carried.

Rod asked if the Commissions wanted to limit the study to Jefferson County. If so, the grant application might not rank as well in the findings. The grant is to address crucial state need.

This is his only concern. Commissioner Notbohm stated that Rod mentioned four other counties, and asked what percentage of test wells would be done in Jefferson County. Rod referred them to map and the location of batholith. He noted that 75% of the batholith is in Jefferson County, so he would assume 75% of wells sampled would be in Jefferson County. Commissioner Weber stated that they always strive to work together with other counties. Concern he has, Helena and Butte probably have 75% of the wells, where Jefferson County has 75% of the area. Commissioner Lythgoe stated that he is comfortable with including the other counties, if Rod and those other counties are aware that 70-75% of the testing will be done in Jefferson County. Rod stated that he would say that from their first study, the Boulder batholith is the issue, and they were thinking of even limiting the study to the Boulder batholith. Commissioner Weber stated that they are willing to work together. Commissioner Notbohm stated that at a city-county meeting they attended in Helena some time ago, it was inferred that there was a concern that Jefferson County is a polluter of the water source of Lewis & Clark County. Rod stated that he thinks that referred more to mining influence, tailings, etc.

Commissioner Weber stated that to answer some questions about what agencies would be supporters, DNRC, DEQ, the Conversation District and many others could be contacted. Jefferson County will be the applicant, DNRC the administrator and Headwaters the grant writer.

AWARD NORTH-END METAL MINES GRANTS

Sheila Hogan stated that March 26th was a long day, and there were a lot of numbers being thrown around. Sheila handed out amended recommendations, and stated that an error had been made on three of the recommended amounts that were presented at the April 1 meeting. Sheila stated that the first was for the Boulder River Carousel. She stated that she had indicated the suggested amount was \$15,000, but it was actually \$17,500. The next was the Elk Park Fire Department, which was inadvertently listed at \$11,000, but should be \$7,500. The last was the Heritage Center, which was listed at \$10,000, but should have been \$11,000. Commissioner Weber asked if this reflects the actual deliberations. Sheila stated that this is correct. They went back to the original documentation.

Tom Harrington stated that this really validates the process of presenting the recommendations and then waiting a week to award the grants. Commissioner Notbohm stated that he wanted to make sure of something in his mind. He asked Tom if he feels that all of the applicants qualify for the guidelines of what the money was intended for. One question was regarding Jefferson Broadband, if that meets the requirement of being a non-profit organization. Tom stated that within the criteria of the grant program, it meets the criteria of a 501(c)(3). Commissioner Notbohm stated that he also had two calls regarding the 21st Century program and how it qualifies. Tom stated that some of this is probably in the eye of the beholder. When you are talking about leadership development, it is not a quantifiable as some of the other criteria. The criteria have direct and indirect benefit. Commissioner Weber stated that he thinks that Tom missed part of Commissioner Notbohm's question. The requirement is that they be a 501 (c) (3) or a governmental branch.

Cheryl Hassakker stated that she wanted the Commission to know that this group of volunteers

spent a lot of time to go over these applications and review them, and they did a really good and professional job.

Mary Ellen Earnhardt, stated that she would echo what Cheryl said and would also like the committee member's addresses so that she can send them thank you notes. She went on to outline some of the economic development programs that the 21st Century program is working on in the community. Commissioner Lythgoe stated that one reason the Commission wanted her here today was that their request was for \$28,175 and only getting \$15,000, which is considerably less than what requested. He asked if they will be able to continue with the program with the lesser funding. Mary Ellen stated that they have been approved for the food program, which is \$5,000, she has talked to the staff about being contracted through the school rather than being hired, which will save insurance and retirement payments, and this would help them cut down expenses. They are also pursuing more funding. Commissioner Weber stated that one of the requirements is to provide written criteria that are to be met that the Commission can then check have been met and release the money. He asked if she would be able to write up a summary of what the money will be used for and where the one-to-one match will come from. Mary Ellen stated that after looking at the application, they can see where they have more than enough matching funds.

Marilyn McCauley stated that she will address the carousel first. She presented an outline of their project and what they would use the grant funds for. Commissioner Weber noted that this shows that they would be able to do the preparation work and get the concrete slab poured. Commissioner Lythgoe noted that the Carousel has \$28,757.00, and asked what that is. Marilyn stated that these are funds that the Carousel group currently has, and will be used as matching funds. Commissioner Lythgoe stated that in addition to the \$28,757 that they currently have, they will be getting an additional \$17,500 from the grant, which will total \$47,000, and asked what they will do for the \$47,000. Marilyn noted that they only have to match \$17,500. Beyond that, they would probably raise the roof, as that is second on the list of priorities. Commissioner Weber asked that if they only match the \$17,500, what projects they would do for \$35,000. Marilyn stated that they would do the foundation work. Commissioner Weber noted that this only totaled \$28,309. There was discussion of the figures presented. Marilyn was unsure what one line item was for, as she did not draw up the document.

Commissioner Weber stated that the question that is going to come is that they need to have a one to one match in a project. If they are awarded \$17,500, and match that, the foundation work alone would not reach that amount. Marilyn stated that she would assume that they would do the roof. They would do the foundation first, and then continue with the roof project. Commissioner Weber asked Marilyn to pass on to the committee that they will need to show the project outline with figures adding up to the \$35,000 amount. Commissioner Lythgoe stated that in reality, they have \$45,000 plus to spend on the project, and if they are going to do that, he would like to know where the whole \$45,000 is going; just because it is of interest to him. If they are going to hold some back, as they only have to match \$17,500, that is fine also, but he would like to know. They are still \$13,000 short of meeting the requirements for items one and two. Marilyn noted that they are doing fund raising and have other grants that they have put in for that could come in at any time during the two-year grant cycle.

Commissioner Notbohm stated that what he thinks Commissioner Weber is trying to say is that in these programs, we need to account for how every dollar is spent. Commissioner Weber stated that they just have to make sure we can see that they did what they said they were going to do and that they had their match. Cheryl stated that she spoke to Shirley Vossler earlier today. With their project, their intent is to match what they need to and to continue to raise money to get as much of the project done as possible. Commissioner Weber stated that the thing for us is that if they got the concrete slab all done but didn't reach the full amount of the grant, we wouldn't be able to release the full amount of the grant.

For the fairgrounds grant, Marilyn presented an outline of work to be done on the new bleachers. She stated that this is a little different than what was included in the grant proposal. In the past two weeks, the fair board had found wooden gymnasium bleachers that came out of Carroll College. They just found out about them the day that the committee met. They are in very good condition, and would set the same number of people as those in the original grant. Price wise, there is a very big difference between these and any bids she received for metal bleachers. Commissioner Weber asked if they have a design consultant yet. Marilyn stated that they are working on the design. Commissioner Weber asked if they have seen the bleachers. Marilyn stated that they have not, but they have the dimensions. She noted that these bleachers will have to be covered to protect them. At some point they would like a roof to cover the bleachers, and have gotten a lot of comments about a cover for the bleachers for years. At this point, they need a wall to attach them too and concrete to roll them out on. They can be covered with a tarp for storage until they get funding for a roof. These bleachers can be gotten for such a lesser amount that the architect will be directed to design the wall and the cover. Commissioner Weber noted that priority number two is the excavation, etc. for the concrete pad and back wall. He stated that in his mind, they will need the back wall before they can use the bleachers. Marilyn stated that this is correct. Commissioner Weber asked if their plan is to purchase the bleachers and store them until they can finish priority two. Marilyn stated that this is correct.

Commissioner Notbohm asked if this has gone back to the committee, and if it is okay to do this without going back to the committee. Commissioner Lythgoe stated that he thinks that it is. The committee asked them to come up with an alternative, which they did. Tom stated that this doesn't have to go back to committee; the fair board did what was asked of them. Commissioner Weber stated that they did an admirable job.

Commissioner Lythgoe moved to award the north end metal mines grant in the amounts listed on the revised spread sheet. Commissioner Notbohm seconded, and stated that he is somewhat disappointed that the Elk Park Fire Department didn't get the amount that they initially thought that they would. Commissioner Weber stated that no awards have been made and the letters have yet to go out. Tom noted that Sheila did contact them of the discrepancy. The motion carried.

Ellen Rae stated that she wanted to thank the Commission as well as the committee for all of the work that has been done.

DISCUSS AND DECIDE ON ADOPTION OF UPDATED ROAD STANDARDS

Commissioner Weber stated that this was discussed at the previous meeting. Great West Engineering worked with Joe Carter the Road Supervisor to update the road standards. They upgraded several areas, most significantly in the chip sealing area – types of oils to be used and thickness of lay down, as well as culverts. There was no discussion. Commissioner Weber moved to adopt the final draft of the Jefferson County road standards update. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER